



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Application of:)

Fred IRWIN et al.)

Serial No.: 09/662,588) Art Unit: 3628

Filed: September 15, 2000) Examiner: Jason M. Borlinghaus

For: **SYSTEM AND METHOD OF INTERFACING FOR CLIENT
APPLICATION PROGRAMS TO ACCESS A DATA MANAGEMENT
SYSTEM**

APPEAL BRIEF

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 in connection with the Final Office action mailed on March 31, 2006. It is respectfully submitted that the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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(1) **REAL PARTY IN INTEREST**

The real party in interest in this appeal is the assignee of record, Citigroup Global Markets, Inc.

(2) **RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to be related to this case.

(3) **STATUS OF CLAIMS**

Claims 8-27 are pending. Claims 8-27 are rejected and appealed. Claims 1-7 were previously cancelled.

(4) **STATUS OF AMENDMENTS**

No amendments to the claims, specification or drawings were filed subsequent to final rejection.

(5) **SUMMARY OF CLAIMED SUBJECT MATTER**

An embodiment of the present invention system includes a customer terminal, a trader terminal operatively coupled to the customer terminal through a communications network, and a processor. (p. 7, lines 4-22, Fig. 1, items 110, 115, 135). The processor is configured to dynamically create sets of class components to handle one or more transactions involving a trade request from a customer at the customer terminal (p. 11, lines 15-19; p. 12, lines 19-20; Fig. 1, item 120; Fig. 6, items 605, 610).

Each set of class components includes a first component comprising functions for sending messages and receiving messages to the system on behalf of the customer. (p. 12, lines 4-6; Fig. 1, item 135; Fig. 6, item 605a). Also included is a second component comprising functions for controlling access to the system by the customer. (p. 11, line 22 – p. 12, line 3; Fig. 6, item 605b). A third component, acting as a translator between the objects of the other class components, is included which comprise functions for sending messages to and receiving messages from the first component and a trader at the trader terminal. (p. 12, lines 14-18; Fig. 6; item 605c).

The processor comprises a timer wherein the trade request from the customer is automatically revoked at a predetermined duration of time if the trader does not accept the trade request. (p. 10, line 8 – p. 11, line 1; Fig. 5, items 535, 540).

(6) GROUND OF REJECTION PRESENTED FOR REVIEW

Claims 8-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,674,044 in view of Schildt, Herbert. Turbo C/C++: The Complete Reference, Osborne McGraw-Hill, Berkeley, CA, 1990, pp. 13, 561, and 727-730 and Coughlin, George Gordon, *Your Handbook of Everyday Law*, 5th Edition. Harper Collins Publishing. New York, NY, 1993, pp. 50-51.

(7) ARGUMENT

Claims 8-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,674,044 (“Kalmus”) in view of Schildt, Herbert. Turbo C/C++: The Complete

Reference, Osborne McGraw-Hill, Berkeley, CA, 1990, pp. 13, 561, and 727-730 (“Schildt”) and Coughlin, George Gordon, *Your Handbook of Everyday Law*, 5th Edition. Harper Collins Publishing. New York, NY, 1993, pp. 50-51 (“Coughlin”). This rejection is respectfully traversed.

Among other limitations, independent claim 8 recites, “...wherein the processor comprises a timer wherein the trade request from the customer is automatically revoked at a predetermined duration of time if the trader does not accept the trade request.” As explained in the applicants’ specification,

If the customer has the right credentials [e.g., credit rating sufficient to pay] to carry-out the requested trade at block 515, computer 120 transmits the trade request to PC 155 via network 130 at block 530. At block 535, trader 140 has the opportunity to respond to the request from the customer. In a preferred embodiment of the present invention, trader 140 has about 7 seconds to respond to the requested trade by the customer before computer 120 revokes the request as being stale. If trader 140 does not accept the request within the time allotted, the trade is voided and the customer is so informed at block 540, and the process ends at block 545.

If trader 140 accepts the trade at block 535 within the allotted time period, computer 120 sends a notice of acceptance to the customer at block 550. Also in block 550, the customer is given the opportunity to review the order and the commission charged by trader 140 to execute this trade. At block 555, the customer decides if he/she wishes to accept or reject the trade. If the customer accepts the trade at block 555, then a confirmation number and a message are given to the customer at block 560, indicating that the trade has been accepted by both, the customer and trader 140, and will be executed in due course.

(emphasis added) (*Appl. Spec.*, p. 10, line 8 to p. 11, line 1).

The Examiner concedes that Kalmus and Schildt do not teach or suggest the above referenced limitation in independent claim 8, but asserts that Coughlin, along with Kalmus and Schildt, make obvious the claimed invention (Final Office Action, p. 5).

Kalmus, the only cited reference that relates to securities trading, discloses a processor

that performs the following functions: Determining first whether or not each received order can be executed by the market maker (col. 5, lines 6-9); and for orders not executable, storing the order in memory for later execution (when a favorable change in the market price occurs that accommodate the customer's price limits) or forwarding the order to other market makers for potential execution. (col. 5, lines 15-21). Further, Kalmus explains:

Following each price change, all non-executable orders stored in the processor 10 memory are reviewed to determine whether they have become executable and, if so, they are in fact executed. (col. 5, lines 40-44)

Coughlin, which deals with general contracting principles, makes no reference to securities trading. Coughlin teaches generally that offers may be terminated, but when there is an acceptance, there is a duty to perform the contract. Schildt is directed to object-oriented programming, and like Coughlin, also makes no reference to securities trading.

It is respectfully submitted that the combination of Coughlin with Kalmus and Schildt does not teach or suggest each and every element of the claimed invention. It is only through improper hindsight that a piecemeal approach is used to arrive at the claimed invention. It is also improper to ignore certain teachings in the references while applying other teachings. As noted above, the processing function described in Kalmus is automatically triggered as conditions permit, such as, when the market price changes and meets the price criteria of the customer. (col. 5, lines 15-21). Accordingly, the processor in Kalmus is performing its function after there has been an acceptance of the trade request from the trader (to put it in the context of Coughlin). The Examiner's statements about "offers" and the conditions under which an offer may be deemed terminated is misplaced in the context of the processor described in Kalmus.

Accordingly, neither Kalmus, Coughlin, or Schildt, alone or in combination, teach or suggest the claimed invention.

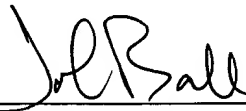
Because claims 9-15 depend from claim 8, the arguments presented above are equally applicable to claims 9-15.

Independent claim 16 recites, among other limitations, "...automatically revoking at a predetermined duration of time the trade request from the customer if the trader has not accepted the trade request." Independent claim 18 recites, among other limitations, "...a timer module stored on the at least one medium, and operable to automatically revoke at a predetermined time the trade request from the customer if the trader does not accept the trade request." Independent claim 23 recites, among other limitations, "... automatically revoking at a predetermined duration of time the trade request from the customer if the trader has not accepted the trade request." Accordingly, because these limitations contain similar elements to those found in claim 8 as addressed above, the arguments presented above with respect to claim 8 are also applicable to claims 16, 18, and 23, and the claims that depend from them.

For at least these reasons, claims 8-27 are patentable over the cited art.

Respectfully submitted,

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(8) CLAIMS APPENDIX

1 – 7. (Previously canceled).

8. A system comprising:

a customer terminal;

a trader terminal operatively coupled to the customer terminal through a communications network;

a processor;

wherein the processor is configured to dynamically create sets of class components to

handle one or more transactions involving a trade request from a customer at

the customer terminal, with each set of class components further comprising:

a first component comprising functions for sending messages and receiving messages to the system on behalf of the customer;

a second component comprising functions for controlling access to the system by the customer; and

a third component comprising functions for sending messages to and receiving messages from the first component and a trader at the trader terminal; and

wherein the processor comprises a timer wherein the trade request from the customer is automatically revoked at a predetermined duration of time if the trader does not accept the trade request.

9. The system of claim 8 wherein the third component operates in a synchronous format.

10. The system of claim 8 wherein the third component operates in a asynchronous format.

11. The system of claim 8 wherein the set of class components are configured to handle a single customer at one time.

12. The system of claim 8 wherein the set of class components are configured to handle multiple customers at one time.

13. The system of claim 8 wherein the set of class components are configured to handle a single transaction at one time.

14. The system of claim 8 wherein the set of class components are configured to handle multiple transactions at one time.

15. The system of claim 8 wherein the processor creates sets of class components based on the number of transactions.

16. A method comprising:
in a computer system:

dynamically creating sets of class components to handle one or more transactions involving a trade request from a customer, which further comprises:
creating a first component comprising functions for sending messages and receiving messages to a system on behalf of a customer;
creating a second component comprising functions for controlling access to the system by the customer; and
creating a third component comprising functions for sending messages to and receiving messages from the first component and a trader;
transmitting messages between the customer and the trader; and
automatically revoking at a predetermined duration of time the trade request from the customer if the trader has not accepted the trade request.

17. The method of Claim 16 wherein each component is created in response to a customer accessing the system.

18. A trading services computer program product comprising:
at least one computer-readable medium;

a class creation module stored on the at least one medium, and operable, upon access of a customer to trading services of the computer program product for handling one or more transactions involving a trade request from the customer to a trader, to create at least one set of classes, each set comprising at least one class;

where created classes include at least one of:

an access control class;

a trading system communications class; and

a translator class; and

a timer module stored on the at least one medium, and operable to automatically revoke at a predetermined time the trade request from the customer if the trader does not accept the trade request.

19. The trading services computer program product of Claim 16 where a set of classes is associated with one transaction.

20. The trading services computer program product of Claim 16 where a set of classes is associated with a plurality of transactions.

21. The trading services computer program product of Claim 16 each class being an object linking and embedded class type.

22. The trading services computer program product of Claim 16 where created classes include an access control class, a trading system communications class, and a translator class.

23. A computer implemented method for trading financial instruments, the method comprising:

upon access of a customer to trading services of a computer program product for handling one or more transactions involving a trade request from the customer to a trader, creating at least one set of classes, each set comprising at least one class;

where created classes include at least one of:

an access control class;

a trading system communications class; and

a translator class; and

automatically revoking at a predetermined duration of time the trade request from the customer if the trader has not accepted the trade request.

24. The computer implemented method for trading financial instruments of Claim 23 where a set of classes is associated with one transaction.

25. The computer implemented method for trading financial instruments of Claim 23 where a set of classes is associated with a plurality of transactions.

26. The computer implemented method for trading financial instruments of Claim 23 each class being an object linking and embedded class type.

27. The computer implemented method for trading financial instruments of Claim 23 where created classes include an access control class, a trading system communications class, and a translator class.